

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MATTHEW ROWBOTTOM,
Petitioner,
v.
RENEE BAKER, et al.,
Respondents.

Case No. 3:20-cv-00486-RCJ-CLB

ORDER

This is a habeas corpus action under 28 U.S.C. § 2254. The court directed petitioner Matthew Rowbottom to show cause why the court should not dismiss this action as an unauthorized second or successive petition under 28 U.S.C. § 2244(b). ECF No. 6. Rowbottom has filed a motion to show cause. ECF No. 8. Rowbottom does not persuade the court, and the court dismisses the action.

Rowbottom argues for 15 pages how the action is timely, how he is actually innocent, and how he can demonstrate good cause and prejudice to overcome any procedural default. All of that argument is irrelevant to the issues currently before the court: Whether the current petition is a second or successive petition under 28 U.S.C. § 2244(b) and, if so, whether Rowbottom obtained authorization from the Ninth Circuit under § 2244(b)(3) to file a second or successive petition. The court showed how the current petition is a second or successive petition in its earlier order. ECF No. 6 at 1-2. Rowbottom does not challenge that finding. Then, despite being

1 given the opportunity to show that he has received authorization to file a second or successive
2 petition, Rowbottom mentions nothing about that statutory requirement. The court finds that
3 Rowbottom has not shown cause. The court thus dismisses this action.

4 Reasonable jurists would not find the court's conclusion to be debatable or wrong, and the
5 court will not issue a certificate of appealability.

6 IT THEREFORE IS ORDERED that this action is **DISMISSED** with prejudice as an
7 unauthorized second or successive petition for a writ of habeas corpus. The clerk of the court is
8 directed to enter judgment accordingly and to close this action.

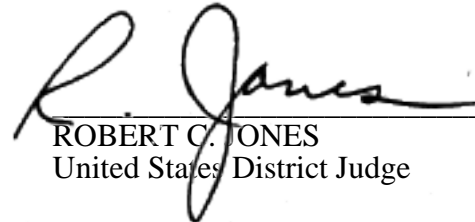
9 IT FURTHER IS ORDERED that a certificate of appealability will not issue.

10 IT FURTHER IS ORDERED that that the clerk add Aaron Ford, Attorney General for the
11 State of Nevada, as counsel for respondents.

12 IT FURTHER IS ORDERED that the clerk provide copies of this order and all prior
13 filings to the Attorney General in a manner consistent with the clerk's current practice, such as
14 regeneration of notices of electronic filing.

15 IT FURTHER IS ORDERED that no response by the Attorney General is necessary.

16 DATED: April 27, 2022.

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18 ROBERT C. JONES
19 United States District Judge
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